

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Labeed Nouri and Rouwaida Nouri,

Plaintiffs,

v.

Case No. 10-12436

TCF Bank, *et al.*,

Honorable Sean F. Cox

Defendants.

OPINION & ORDER
GRANTING PLAINTIFFS' MOTION TO FILE AMENDED COMPLAINT

This matter is currently before the Court on Plaintiffs' motion to file an amended complaint. The Court finds that the issues have been adequately presented in the parties' briefs and that oral argument would not significantly aid the decisional process. *See* Local Rule 7.1(e)(2), U.S. District Court, Eastern District of Michigan. The Court therefore orders that the motion will be decided upon the briefs. For the reasons that follow, the Court shall GRANT the motion,

Acting *pro se*, on June 22, 2010, Plaintiffs Labeed Nouri and Rouwaida Nouri ("Plaintiffs") filed this action against Defendants TCF Bank, Sandra Altoon ("Altoon"), Rose Bakow ("Bakow"), Rolanda Bussey (Bussey"), Scott Pardon ("Pardon"), Gary Fineman ("Fineman"), Bob Borksman ("Borksman"), Hala Jarbou ("Jarbou"), Krystal Kirma ("Kirma") and Oakland County Prosecutor.

On July 23, 2010, TCF Bank, Bakow, Bob Borgstrom, Bussey, Fineman, and Pardon filed an Answer to the complaint.

On or about August 13, 2010, Plaintiffs filed a motion seeking to file an amended complaint.

On August 27, 2010, Defendants TCF Bank, Bakow, Bob Borgstrom, Bussey, Fineman, and Pardon filed a brief opposing Plaintiffs' motion to amend. Defendants assert that Plaintiffs' motion to amend is untimely and asserts that Plaintiffs have set forth no justification as to why they did not include the new defendants or new counts in their original complaint and assert that Plaintiffs have "not pointed to any newly discovered evidence or other reason that led to the need for an amendment." (Docket Entry No. 6 at 2).

As Defendants note, leave to amend is be freely given when justice so requires. FED. R. CIV. P. 15(a)(2). In opposing Plaintiffs' motion to amend, Defendants do not assert that amendment would be futile, nor do they identify any prejudice that Defendants would face if the amendment is granted. Moreover, Plaintiffs are proceeding *pro se* and have requested the amendment at a *very early stage* in the litigation. Indeed, this Court has not yet even held the initial scheduling conference in this action.

Accordingly, IT IS ORDERED that Plaintiffs' motion to file an amended complaint is GRANTED. **Plaintiffs shall file their Amended Complaint within fourteen (14) days of the date of this order.**

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: September 29, 2010

I hereby certify that on September 29, 2010, a copy of the foregoing document was served upon

counsel of record by electronic means and upon Labeed Nouri via First Class Mail at the address below:

Labeed Nouri #690310
1727 W. Bluewater Highway
Ionia, MI 48846

S/J. Hernandez
Case Manager